IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL
ORIGINAL JURISDICTION

Dated : Nainital the 13th day of February 2006

Criminal Misc. Bail Application No.34 of 2006

Order on the bail application of accused

CRIMINAL SIDE

Muntazir S/o Ashfaq
R/o village Lathardeva shekh
P.S. Jhabreda
District Haridwar ……..Applicant

Versus

State of Uttaranchal ……..Opposite Party

And

Criminal Misc. Bail Application No.35 of 2006

Taushif S/o Ashfaq
R/o village Lathardeva Shekh
P.S. Jhabreda
District Haridwar

……..Applicant

Versus

State of Uttaranchal ……..Opposite Party

Arising out of case crime No.76 of 2005
U/s 323, 452, 336, 307, 302 I.P.C.
P.S. Jhabreda
District – Haridwar

Hon'ble J.C.S. Rawat, J.

Heard Sri Arvind Vashisht learned counsel for the applicant and learned A.G.A. for the State.

Perused the record. The accused persons have been nominated in the FIR. It is alleged that the accused caused injuries on the person of the deceased with Lathi and Sariya. The learned counsel for the applicant contended that according to the FIR the injuries were caused by three accused persons with Lathi and Sariya. The deceased fell on the ground due to injuries sustained by him and became unconscious. It was further contended that the FIR was lodged on 3.11.2005 nominating three witnesses of the incident, namely, Maqsood, Arshad and Shakeel. The learned counsel for the applicant contended that the statements of Maqsood and Shakeel have not been recorded so far. Learned A.G.A. has also conceded that according to the case-diary the statements of Maqsood and Shakeel have not been recorded so far. It was further contended that the FIR shows that the injuries were

caused by three accused persons, but no specific role has been assigned. In the statement of Arshad recorded on 11.11.2005, it has been stated that Muntzir and Taushif have caused injuries on the deceased. The I.O. has not recorded the statements of Maqsood and Shakeel even after a lapse of three months. The incident took place on 3.11.2005 and the case was registered under sections 323, 452, 307 & 336 I.P.C. and the deceased died on 14.11.2005 in the hospital. Considering the facts and totality of the circumstances of the case, it is a fit case for bail.

Let the applicant-accused be released on bail on executing a personal bond each and two sureties each in the like amount to the satisfaction of the C.J.M. concerned.

(J.C.S. Rawat, J.)

Dated 13.02.2006

LSR